

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MONA ABOUZIED, Individually and on
Behalf of All Others Similarly Situated,

Case No. 4:17-cv-02399

Plaintiff,

v.

APPLIED OPTOELECTRONICS, INC.,
CHIH-HSIANG (THOMPSON) LIN, and
STEFAN J. MURRY,

Defendants.

GAURAV TANEJA, Individually and on
Behalf of All Others Similarly Situated,

Case No. 4:18-cv-3544

Plaintiff,

v.

APPLIED OPTOELECTRONICS, INC.,
CHIH-HSIANG (THOMPSON) LIN, and
STEFAN J. MURRY,

Defendants.

DAVIN POKOIK, Individually and on
Behalf of All Others Similarly Situated,

Case No. 4:18-cv-3722

Plaintiff,

v.

APPLIED OPTOELECTRONICS, INC.,
CHIH-HSIANG (THOMPSON) LIN, and
STEFAN J. MURRY,

Defendants.

STEPHEN MCGRATH, Individually and on
Behalf of All Others Similarly Situated,

Case No. 4:18-cv-3914

Plaintiff,

v.

APPLIED OPTOELECTRONICS, INC.,
CHIH-HSIANG (THOMPSON) LIN, and
STEFAN J. MURRY,

Defendants.

**MOTION OF LAWRENCE ROUGIER
FOR CONSOLIDATION OF RELATED ACTIONS**

Court-appointed Lead Plaintiff Lawrence Rougier (“Rougier” or “Lead Plaintiff”), respectfully moves this Court for entry of the attached [Proposed] Order: (1) consolidating *Taneja v. Applied Optoelectronics, Inc. et al.*, Case No. 4:18-cv-03544-SL (S.D. Tex.) (the “*Taneja Action*”), *Pokoik v. Applied Optoelectronics, Inc. et al.*, Case No. 4:18-cv-03722-LR (S.D Tex.), and *McGrath v. Applied Optoelectronics, Inc. et al.*, Case No. 4:18-cv-03914-LR (S.D Tex.) (altogether the “Related Actions”), with the above-captioned consolidated securities class action (the “Consolidated Securities Action”)¹ pursuant to Rule 42(a) of the Federal Rules of Civil Procedure; (2) striking the November 30, 2018 lead plaintiff deadline purportedly triggered by the notice of pendency of the Related Actions, published on October 1, 2018 (the “*Taneja Notice*”); (3) declaring any motions to be filed seeking appointment as lead plaintiff in response to the *Taneja Notice* ineffective; (4) requiring republication of a corrected notice explaining that a lead plaintiff has already been appointed as of January 22, 2018; and (4) granting such further relief as the Court may deem just and proper.

This Motion is based on the accompanying Memorandum of Law in support thereof, the Declaration of Jamie McKey filed herewith, the pleadings and other filings herein, the [Proposed] Order attached hereto, and any such other written or oral argument as may be permitted by the Court.

Respectfully submitted,

Dated: November 7, 2018

Jamie McKey
KENDALL LAW GROUP, PLLC
JAMIE MCKEY
Texas Bar No. 24025262
JOE KENDALL
Texas Bar No. 11260700

¹ On January 22, 2018, Judge Gilmore appointed Mr. Rougier as Lead Plaintiff and consolidated *Ludwig v. Applied Optoelectronics, Inc., et al.*, Case No. 4:17-cv-02399 (S.D.T.X.) with *Abouzied v. Applied Optoelectronics, Inc., et al.*, Case No. 4:17-cv-02399 (S.D. Tex.). See *Abouzied v. Applied Optoelectronics, Inc.*, 2018 U.S. Dist. LEXIS 16801, at *2 (S.D. Tex. Jan. 22, 2018).

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Lead Counsel for Lead Plaintiff and Class

CERTIFICATE OF CONFERENCE

I hereby certify that during the week of October 4, 2018, counsel conferred by phone with counsel for Defendants. Defendants then filed their Response to Plaintiff's Notice of Related Filings on November 11, 2018, indicating they oppose this motion. I further certify that counsel conferred by phone and/or email with counsel for Plaintiffs in the three Related Actions who did indicate whether they oppose or do not oppose this motion.

Dated: November 7, 2018

Jamie McKey

CERTIFICATE OF SERVICE

I hereby certify that on this day, November 7, 2018, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Jamie McKey